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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Azerbaijan was invited to ratify the pending core international human rights treaties.[3] Azerbaijan was also urged to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence[4] and make the declarations provided for in articles 76 and 77 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[5] In 2016, the Human Rights Committee expressed concern about the failure of Azerbaijan to implement the Views of the Committee.[6]

3. The United Nations country team reported that Azerbaijan successfully submitted its voluntary national review report at the high-level political forum on sustainable development in New York in 2017.[7]

4. Azerbaijan contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2014[8] and 2017.[9]

III. National human rights framework[10]

5. The Special Rapporteur on the situation of human rights defenders referred to the Venice Commission's preliminary opinion on the 29 constitutional amendments, which stated that the second constitutional reform had not been debated at the National Assembly and that the population had not been given sufficient time to discuss the draft. The Venice Commission also criticized the proposed institutional reforms, which would further

consolidate the President's power, allowing him to dissolve the National Assembly and weakening the independence of the judiciary.[11] The Human Rights Committee expressed similar concerns.[12]

6. The 2016–2018 national anti-corruption action plan was noted by the same Special Rapporteur as lacking clear goals and not being evidence-based,[13] while the system in Azerbaijan was characterized by a dominant executive branch and strong law enforcement agencies.[14]

7. Treaty bodies welcomed a number of laws adopted during the reporting period,[15] including, among others, the laws on public participation (2013) and on citizens' appeals (2015),[16] as well as amendments to Law No. 55-IQ on registration upon place of residence and stay (2013).[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

8. The Committee on the Elimination of Racial Discrimination expressed concern about the absence of legislation that prevents the discrimination of persons belonging to minorities on the grounds of race, colour, descent and national or ethnic origin, recommending the adoption of a law aimed at guaranteeing the non-discriminatory enjoyment of rights and freedoms.[19]

9. The same Committee was concerned that article 283 of the Criminal Code on incitement to racial hatred had been misused to arrest individuals expressing opinions diverging from official positions, including on the Nagorno-Karabakh conflict, or speaking out about the conditions of ethnic minorities. It recommended that Azerbaijan not use measures to combat racist speech as a pretext to silence those protesting at injustice, social discontent or opposition, and not subject speech protecting or defending human rights to criminal or other sanctions.[20] It also urged Azerbaijan to introduce a definition of "racial discrimination" in legislation.[21]

10. The Human Rights Committee expressed concern that the existing anti-discrimination legal framework did not explicitly prohibit discrimination based on sexual orientation and gender identity. It also expressed concern about discrimination and violence against persons based on their sexual orientation and gender identity.[22] In October 2017, several United Nations experts made a statement urging Azerbaijan to act on reports of abuses, including arbitrary arrests and ill-treatment, torture and forced medical examinations of gay and transgender persons.[23] The United Nations High Commissioner for Human Rights called for the release of anyone detained on the basis of their sexual orientation or gender identity.[24]

11. In 2014, the Committee on the Rights of Persons with Disabilities recommended including an express prohibition of disability-based discrimination and multiple forms of discrimination against persons with disabilities in legislation.[25]

2. Development, the environment, and business and human rights[26]

12. The Working Group on business and human rights reported that under national legislation, business enterprises were not required to make public information about their registration, ownership or structure, making it difficult to monitor compliance with national and international law.[27] It noted reports alleging a lack of transparency and apparent irregularities in the trading of oil, in particular a lack of information on the ownership of private companies partnered with the State Oil Company of Azerbaijan Republic and on bidding processes and public tenders.[28] The Working Group also noted that the company did not have any specific human rights policy nor mechanisms for carrying out human

rights due diligence,[29] recommending the requirement to all State-owned or State-controlled companies to perform human rights due diligence for their operations.[30]

13. The Working Group further noted inadequate expropriations, evictions and demolitions carried out in the construction sector and that non-competitive construction contracts were awarded to well-connected business people.[31] It urged Azerbaijan to integrate the responsibility to conduct human rights due diligence into State-investor contracts, and concessions for extraction of natural resources and production-sharing agreements.[32] In this regard, the Working Group recommended that the Government require that those who may be affected by development activities receive timely and complete information about planned projects, such as for urban renewal. It also recommended that people were not evicted from their homes without prior consultation and consent, or agreed compensation with provision for human rights safeguards.[33]

B. Civil and political rights

1. Right to life, liberty and security of person[34]

14. The Committee against Torture expressed concern about allegations that torture and ill-treatment were routinely used by law enforcement and investigative officials, or with their instigation or consent, often to extract confessions or information to be used in criminal proceedings, which Azerbaijan had deemed unfounded.[35] It also expressed concern that investigations into these allegations were not prompt, efficient and impartial,[36] and that victims were not provided with any redress or rehabilitation, despite existing legal provisions.[37] The Working Group on Arbitrary Detention noted similar concerns.[38] The Human Rights Committee noted reports of torture and ill-treatment of journalists, human rights defenders and youth activists that had reportedly led to death in several cases. It urged Azerbaijan to promptly and thoroughly investigate all those allegations and prosecute perpetrators.[39] The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Azerbaijan to gather information on the monitoring and evaluation of the impact of training programmes for police officers and prison staff on human rights and the prohibition of ill-treatment and set up training sessions for other civil servants and teaching personnel.[40]

15. The Committee against Torture urged Azerbaijan to initiate prompt and effective investigations into cases of non-field-related deaths, including suicides, of soldiers in the armed services.[41]

16. The Human Rights Committee expressed concern about overcrowding and inadequate living conditions in some prisons and corruption within prison facilities.[42] The Working Group on Arbitrary Detention made similar observations.[43] The Committee against Torture also referred to deaths in detention, some of which had allegedly resulted from torture or ill-treatment,[44] and expressed concern that the national preventive mechanism had not been effective in addressing human rights violations in places of deprivation of liberty.[45] It urged Azerbaijan to establish a national system that independently, effectively and regularly monitored all places of detention.[46]

17. The same Committee expressed concern about the increased maximum term of imprisonment under the Code of Administrative Offences from 15 to 90 days, which was equal to the minimum term provided for under the Criminal Code. It also expressed concern that prisoners under administrative arrest reportedly served their sentences in facilities not suitable for long-term detention.[47]

18. Concern was expressed about the State's failure to afford all persons deprived of their liberty with all fundamental legal safeguards from the very outset of their detention.[48] These included deficiencies in quality legal assistance,[49] not being presented to a judge for several days following arrest or instances of judges extending pretrial detention without due assessment of the circumstances,[50] as well as the existence of a high number of authorities with the power to deprive persons of liberty[51] and other infringements.[52]

2. Administration of justice, including impunity, and the rule of law[53]

19. The Working Group on Arbitrary Detention acknowledged the efforts of Azerbaijan to modernize the judicial system, in particular the initiatives aimed at enhancing the accessibility of courts and the efficiency of the administration of justice,[54] and the amendments to several pieces of legislation to comply with the European Charter on the statute for judges.[55] It expressed concern about the high number of reported cases of corruption by law enforcement officials and judicial authorities.[56] The Human Rights Committee expressed similar concerns, including the continued lack of judicial independence from the executive branch.[57] The Committee against Torture also noted that the Bar Association was not sufficiently independent from the executive.[58]

3. Fundamental freedoms and the right to participate in public and political life[59]

20. The Human Rights Committee expressed concern about: undue restrictions on freedom of religion and belief, including the mandatory registration of religious organizations; the requirement for Muslim communities to obtain authorization before registration; severe restrictions on members of religious minorities in the Autonomous Republic of Nakhchivan; censorship of religious material and the prior authorization requirement for importing, exporting, distributing and publishing such material; reported interference in religious activities; and harassment of members of religious groups and the increase in arrests, detentions and administrative or criminal sanctions against them.[60] It also expressed concern that the concept of "religious activities" under national legislation was vague and open to arbitrary interpretation,[61] as well as about the absence of specific legislation enabling the right to conscientious objection to military service.[62]

21. The same Committee noted with concern the extensive restrictions on freedom of expression in practice, such as the reported arbitrary interference with media freedom, including revocation of broadcast licences allegedly on political grounds; and allegations of politically motivated criminal proceedings against independent media outlets.[63] UNESCO encouraged Azerbaijan to reform the appointment system for the broadcast licensing authority to ensure its independence.[64] The Special Rapporteur on human rights defenders confirmed that defamation remained a criminal offence.[65] The Government replied that there was a moratorium on the use of the defamation provision in the Criminal Code.[66]

22. The Working Group on Arbitrary Detention reported that human rights defenders, journalists, political opponents and religious leaders critical of the Government and its policies had faced limitations on their work and personal freedom,[67] including arbitrary arrest and detention, ill-treatment and conviction.[68] Some treaty bodies urged Azerbaijan to conduct full and independent investigations into such cases,[69] and to protect human rights defenders and journalists from any act of intimidation or reprisal or any other impediments to their work.[70] The United Nations High Commissioner for Human Rights expressed concern that undue pressure, harassment and intimidation against journalists, human rights defenders and activists by State authorities continued to be reported in Azerbaijan.[71] The Special Rapporteur on human rights defenders and UNESCO expressed similar concerns.[72] In 2016, renowned award-winning Azerbaijani journalist Khadija Ismayilova had her sentence reduced and was released from prison, although a five-year travel restriction was placed on her.[73]

23. The Special Rapporteur on human rights defenders also referred to increased reports of intimidation and retaliation for views expressed on the Internet, including the imposition of criminal charges in relation to critical opinions.[74] The Working Group on Arbitrary Detention also noted that lawyers who assisted in bringing the cases of human rights defenders to the European Court of Human Rights had been detained on various charges.[75] The Human Rights Committee expressed similar concerns, including reported physical attacks against such lawyers.[76]

24. The country team reported that the 2014 legislative amendments had created regulatory and bureaucratic difficulties for civil society organizations to obtain grants from foreign donors.[77] Various treaty bodies noted restrictive legislation affecting freedom of association[78] and that non-complying non-governmental organizations (NGOs) were punished.[79] In particular, the Human Rights Committee recommended that Azerbaijan

simplify registration rules, and ensure that legal provisions regulating NGO grants did not put at risk the effective operation of public associations as a result of overly limited or overly regulated fundraising options.[80]

25. The Human Rights Committee expressed concern about restrictions on the right to peaceful assembly in practice, including allegations of frequent use of excessive force and/or detention, and the imposition of administrative and criminal penalties against persons participating in peaceful protests.[81]

26. The same Committee expressed concerns about reported irregularities during past elections, including restrictions on candidates, intimidation of opposition candidates, violations in the registration process of opposition candidates, and detention and conviction of some opposition leaders. It urged Azerbaijan to ensure fully transparent elections and a genuine pluralistic political debate and refrain from using criminal law provisions to exclude opposition candidates from electoral processes.[82]

27. The Committee expressed concern that the residence registration system remained a precondition for the full enjoyment of some rights, urging Azerbaijan to respect in practice the freedom to choose one's residence.[83]

4. Prohibition of all forms of slavery[84]

28. The United Nations country team welcomed the Government's efforts to combat trafficking.[85] However, it noted existing challenges in identifying victims/potential victims of trafficking and in providing them with assistance and protection.[86] It recommended that Azerbaijan revise the legal definition of "vulnerable individuals" under the Law on Trafficking in Persons.[87] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed concern that there was only one shelter for victims of trafficking.[88]

29. The Committee on the Elimination of Discrimination against Women expressed concern that Azerbaijan remained a country of origin, transit and destination for trafficking in women and girls for sexual exploitation and forced labour.[89] The Committee on Economic, Social and Cultural Rights also expressed concern that trafficking in persons in Azerbaijan, particularly for the purpose of forced labour, occurred predominantly in the construction sector.[90] Three treaty bodies recommended that Azerbaijan continue to combat human trafficking.[91]

30. The Committee on Economic, Social and Cultural Rights expressed concern about the use of forced labour as a corrective measure or as a penal sanction against persons found guilty of a crime, recommending that Azerbaijan amend or repeal the relevant provisions of both the Criminal and Labour Codes.[92]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[93]

31. The Committee on Economic, Social and Cultural Rights expressed concern about unemployment among young persons, persons with disabilities, immigrants and other social minorities.[94] The Working Group on business and human rights noted that approximately 67 per cent of the population worked in the informal economy thus falling outside the protection of the Labour Code. It also noted that only one third of women were in salaried employment and a significant disparity existed between the incomes of men and women.[95] Three treaty bodies expressed similar concerns on gender disparity.[96]

32. The Committee on Economic, Social and Cultural Rights recommended that Azerbaijan amend its Labour and Criminal Codes so that all workers could exercise their right to strike, in particular those working in the air and railway transport sectors, and those in the oil industry.[97] The Working Group on business and human rights noted reports that trade unions did not always act fully independently of the Government,[98] and that there were difficulties establishing or joining trade unions for workers of multinational companies in the oil and gas sector.[99] The International Trade Union Confederation raised

similar concerns to the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations, which invited the Government to promote collective bargaining between trade unions and employers and their organizations without interference by a public authority.[100]

33. The United Nations country team noted the two-year moratorium on labour inspections imposed by the Government and the requirement to obtain permission for such inspections from the Ministries of Justice and Economy. It also noted that labour inspections could not be carried out at unregistered businesses.[101]

2. Right to an adequate standard of living[102]

34. The Committee on Economic, Social and Cultural Rights noted that Azerbaijan had succeeded in drastically lowering the level of poverty, while expressing concern that a considerable part of the population lived below the poverty line, especially in rural areas. It strongly urged Azerbaijan to combat poverty, especially among the most disadvantaged and marginalized members of the population, and reduce disparities between the capital and rural areas.[103] The Committee also noted with concern that the levels of minimum wage, unemployment benefits and pensions in Azerbaijan were not sufficient to ensure a decent standard of living.[104] The United Nations country team also noted that the economic downturn had led to increased vulnerability among families. It recommended that Azerbaijan combine financial assistance with social welfare programmes and social worker interventions.[105]

35. The Committee on Economic, Social and Cultural Rights expressed concern about information on forced evictions, unlawful expropriations and demolitions in Baku with little or no notice and the lack of consultation, adequate compensation and effective legal remedies.[106]

3. Right to health[107]

36. The Committee on the Elimination of Discrimination against Women noted the efforts by Azerbaijan to improve access to affordable health-care services for all citizens while expressing concern about inadequate State health expenditure, poor health-care infrastructure, especially in rural areas, and inadequate skills of service providers.[108] The Committee on Economic, Social and Cultural Rights expressed concern about unequal enjoyment of the right to health in rural and urban areas; and reported corruption in the health sector, including payments of non-official fees.[109] The Special Rapporteur on the right to health expressed similar concerns,[110] while noting that the spending of Azerbaijan on health was increasing, but nevertheless remained very low at 1.5 per cent of gross domestic product.[111] He further highlighted that tuberculosis, multi-drug-resistant tuberculosis and extremely drug-resistant tuberculosis continued to pose a serious threat to health in the country.[112]

37. The Committee on the Elimination of Discrimination against Women[113] expressed concern about women's limited decision-making powers concerning their health status, the use of abortions for family planning, including the high number of sex-selective abortions and forced abortions, very low use of modern contraceptive methods and the absence of a law on sexual and reproductive health.[114] The United Nations country team also noted that there was neither an adequate screening programme for cervical cancer, nor a human papilloma virus vaccination programme.[115]

4. Right to education[116]

38. The Committee on the Elimination of Discrimination against Women welcomed the high literacy rates among women and men.[117] UNESCO also highlighted the high literacy and enrolment rates of girls in secondary education.[118] The same Committee expressed concern about the low secondary school attendance rate among girls in rural areas, the dropout rate of girls at the secondary level of education, the lower admission rate of women to undergraduate study programmes, and stereotypical choices of educational fields and gender stereotypes in educational materials.[119] The Special Rapporteur on violence against women, its causes and consequences and UNESCO expressed similar concerns.[120]

39. The Committee on Economic, Social and Cultural Rights recommended that all children of school age, including non-citizen children, had the right to education.[121] UNESCO noted that the Migration Code of 2013 contained restrictions on migrants and did not include the right to education of irregular migrants' children.[122]

40. UNESCO also noted that the majority of internally displaced persons were women and girls, who faced discrimination in access to education, and encouraged Azerbaijan to guarantee access to education, especially for internally displaced women and children.[123]

D. Rights of specific persons or groups

1. Women[124]

41. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women noted with concern the deeply rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society, while urging Azerbaijan to raise awareness of existing sex-based stereotypes with a view to eliminating them.[125] The United Nations country team noted that gender stereotyping led to a high rate of gender biased sex-selective abortions, resulting in a highly skewed sex ratio at birth.[126] Despite the legislative guarantees of gender equality, the prevalence of discriminatory attitudes and customary practices was seriously impeding the advancement of women.[127] The same Committee expressed concern that women remained significantly underrepresented in national and local legislative bodies, in the Government and in the civil service, particularly in senior and decision-making positions, and recommended that Azerbaijan ensure the full and equal participation of women in political and public life.[128]

42. The Special Rapporteur on violence against women and certain treaty bodies noted the high number of domestic and sexual violence cases[129] and raised concerns regarding the lack of implementation of the Law on the Prevention of Domestic Violence,[130] the absence of an effective prohibition of sexual harassment,[131] systematic use of reconciliatory measures for first-time offenders without considering the victim's opinion or safety,[132] significant underreporting,[133] dismissal of women's complaints of such violence by law enforcement officers,[134] and the limited number of support and referral centres for victims, which were mainly run by NGOs.[135] As regards the prevention of gender-based violence, the United Nations country team noted the efforts of Azerbaijan,[136] while expressing concern that the annual budget for combating violence was inadequate. It also noted that the existing law did not provide immediate protection of and redress for victims and their lack of capacity to provide full services to victims.[137]

43. The Special Rapporteur on violence against women and some treaty bodies expressed concern about the high prevalence of early marriages, especially in rural regions and among internally displaced persons, unregistered religious marriages, as well as temporary marriages despite the legal prohibition of such practices.[138]

2. Children[139]

44. The United Nations country team noted the established national centralized child database and the independent National Preventive Group within the Office of the Ombudsperson, which, however, lacked capacity.[140] It also noted the Government's efforts to bring national legislation on infant and young child feeding into compliance with international standards,[141] and the introduction of regular school readiness classes for all 5-year-old children, fully funded by the State.[142]

45. The Committee on the Elimination of Discrimination against Women expressed concern that the Criminal Code lacked specific provisions prohibiting pornography involving children, recommending that Azerbaijan criminalize pornography involving children, particularly girls.[143]

46. The United Nations country team reported the establishment of two specialized teams to support children in conflict with the law in the capital, along with one child-friendly courtroom within the Grave Crimes Court. It also noted the significant investment

in strengthening national capacity to change the approach of officials towards children in conflict with the law, the amendments to the Law on Mass Media (2016) providing confidentiality for not only child offenders, but also for victims and witnesses of crimes, and a 2017 presidential decree to emphasize non-custodial responses to a number of juvenile crimes.[144] However, it expressed concern that the existing criminal justice process did not comply fully with international standards.[145]

47. The Working Group on Arbitrary Detention could not observe a significant difference between the treatment of children and adults in the criminal justice system. It observed the punitive nature of the criminal justice system towards children[146] and violations of their right to a fair trial.[147] It also reported mistreatment of detained children, including upon arrest, and that they were likely to be mistreated by other inmates.[148] The Committee against Torture expressed similar concerns.[149] The Working Group recommended that juveniles be effectively separated from adults in all detention places; that safe, child-sensitive environments for children deprived of their liberty be established; that detained children be treated with dignity and respect; and that all children in detention had effective access to education and recreation.[150]

48. The Committee on the Rights of Persons with Disabilities expressed concern that national laws only allowed for the adoption of children under 5 years old, urging Azerbaijan to increase the age limit for adoption purposes.[151]

49. UNHCR noted that, in 2017, the Government had removed the legislative provisions requiring parents to produce their residence registration in order to obtain a birth certificate for their children.[152]

50. The Special Rapporteur on the human rights of internally displaced persons noted the discrimination between the children of women and men who were internally displaced: a child whose father was registered was eligible for registration as an internally displaced person, whereas a child whose mother was registered was not.[153] He also noted the lack of sufficient data collected on the access of internally displaced persons to education.[154] He further noted that Azerbaijan offered separate education to internally displaced persons in larger communities from the rest of the population.[155]

51. The United Nations country team noted that the vast majority of children with disabilities did not receive education in mainstream schools, and were marginalized within their family, community and wider society.[156] Similar concerns were raised by several treaty bodies.[157] The Committee on the Rights of Persons with Disabilities expressed concern about the legislation allowing the parents of a newborn boy or girl to place him or her in the State's custody solely on the basis of his or her disability, without taking into account the best interests of the child.[158] It also expressed concern about the high level of institutionalization of those children.[159]

3. Persons with disabilities[160]

52. The Committee on the Rights of Persons with Disability expressed concern that legislation and policies still referred to the medical model of disability, recommending that Azerbaijan adopt a human rights-based model.[161] It also expressed concern about reported persistent negative stereotypes and prejudices against persons with disabilities,[162] inaccessible public transport and public buildings,[163] the low number of persons with disabilities benefiting from the employment quota system,[164] restrictions on the right to vote for persons under guardianship,[165] the practice of substituted decision-making,[166] non-recognition of sign language,[167] and the legislation concerning gender equality and domestic violence that did not specifically address women and girls with disabilities.[168]

53. The Human Rights Committee expressed concern that there was no comprehensive prohibition of discrimination on the grounds of disability in some areas of life, urging Azerbaijan to guarantee, both in law and in practice, equal rights to persons with disabilities and their effective protection against discrimination.[169] The Working Group on Arbitrary Detention raised similar concerns, including on the national legal framework that contained derogatory terminology referring to persons with disabilities.[170]

54. The Working Group on Arbitrary Detention noted that the legislation of Azerbaijan allowed the deprivation of liberty based on disability, involuntary hospitalization and forced institutionalization of persons with intellectual and psychosocial disabilities[171] without clear procedures to challenge such detention.[172] Three treaty bodies raised similar concerns.[173] The Working Group also noted that individuals were deprived of liberty for prolonged periods of time, sometimes for their entire life, based solely on an actual or perceived disability;[174] and that the institutionalization of persons with disabilities often resulted from the decision of parents, care institutions or social services.[175] In addition, it reported substandard living conditions in psychiatric institutions; the application of chemical restraints, accompanied in the case of children with "mild" electroshocks; and the general practice of forced medication and contraception of women.[176] The Committee against Torture expressed similar concerns.[177]

4. Minorities and indigenous peoples[178]

55. The Committee on the Elimination of Racial Discrimination regretted the discrepancies in the data available on the ethnic composition of Azerbaijan, as well as reports that members of certain minorities concealed their ethnic identity to avoid discrimination.[179] It recommended that Azerbaijan assess the extent of possible inequality and discrimination of ethnic groups,[180] and amend legislation to secure adequate advancement of disadvantaged minority groups or individuals.[181] It expressed concern about the limited effectiveness of existing consultative bodies to compensate for the underrepresentation of ethnic minorities in political bodies recommending establishing effective consultation and dialogue with ethnic minorities.[182]

56. The Committee on Economic, Social and Cultural Rights expressed concern that minorities, particularly the Lezghin and the Talysh, were victims of widespread discrimination.[183] The Human Rights Committee also expressed concern about alleged harassment of and discrimination against members of the Armenian minority, and reports that foreigners with Armenian surnames had been prevented from entering Azerbaijan regardless of their nationality.[184]

5. Migrants, refugees, asylum seekers and internally displaced persons[185]

57. The Committee on Migrant Workers expressed concern that migrant workers and members of their families in Azerbaijan suffered from discrimination and stigmatization in the media and in society,[186] and urged Azerbaijan to ensure that they had equal opportunities as nationals to file complaints and to obtain effective redress.[187] Two treaty bodies expressed concern about the vulnerability of migrant workers to abuse and exploitation since they were tied to their employers because of work permits and recommended replacing work permits with residency permits.[188]

58. The Special Rapporteur on internally displaced persons commended the efforts made to provide such persons with permanent and temporary employment[189] and social protection, including exemption from service fees.[190] He also raised a number of challenges faced by internally displaced persons, including isolation of certain settlements in which they lived, far from services and employment opportunities and in a few cases very close to the front line.[191]

59. He also noted difficulties in accessing health services,[192] the frequency of mental health problems and psychological stress, especially among young persons and women, with no treatment available,[193] limited access to maternal and newborn health services, and lack of information about family planning, abortions being the only form of birth control.[194] He also noted other challenges faced by internally displaced persons, such as restrictions on their freedom of movement and choice of place of residence due to the registration system,[195] and on their right to vote and or to be elected in areas of displacement.[196] Finally, he recommended that, in the context of the Great Return Programme, all durable solutions should remain as options open to internally displaced persons and that a comprehensive survey of their intent be carried out.[197]

60. The Committee against Torture expressed concern about reports of extraordinary rendition of persons falling outside the scope of asylum protection, based on bilateral

extradition agreements, to countries where they might face a risk of torture and that Azerbaijan had allegedly permitted the use of its airports and airspace for the purpose of extraordinary rendition.[198] UNHCR also reported that it had registered several cases of refoulement from Azerbaijan in 2017, involving asylum seekers returned to their countries of origin either without being given an opportunity to submit a formal application for refugee status or before a final decision was taken on their application.[199] The Committee on Migrant Workers expressed concern about the increased number of deportation cases of foreigners and stateless persons. The Committee on the Elimination of Racial Discrimination also referred to legal provisions making it possible for children enrolled in school to be expelled from Azerbaijan together with their families.[200]

61. UNHCR noted that a small number of individuals had been granted refugee status by the Government,[201] and that presidential decree No. 1257 (2017) established a protection mechanism for unaccompanied children seeking asylum.[202] UNHCR highlighted that Azerbaijan had not allowed asylum seekers originating from the Chechen Republic of the Russian Federation to access its asylum procedures and that it had not provided any formal justification for this practice.[203] Furthermore, it reported that there were no administrative procedures or legislation for protecting individuals fleeing situations of armed conflict, generalized violence or severe disturbances of public order.[204] The Working Group on Arbitrary Detention reported that asylum seekers whose status had not yet been settled were placed in the facility together with convicts who had served their sentence and were awaiting their voluntary return to their country of origin,[205] and that the majority of them were not aware of their right to leave the facility.[206]

6. Stateless persons

62. The Committee on the Elimination of Racial Discrimination recommended that Azerbaijan adopt a legislative framework providing procedures for the registration, documentation and access to citizenship for stateless persons.[207] In its follow-up report to the Committee, the Government noted the measures that had been taken to reduce and prevent statelessness, such as the 2015 regulation on the determination of the relation of person to the citizenship of the Republic of Azerbaijan.[208]

E. Specific regions or territories[209]

63. Two treaty bodies expressed concern that the protracted conflict in the Nagorno-Karabakh region impeded the enjoyment of the rights enshrined in various treaties.[210] The Committee on the Elimination of Racial Discrimination encouraged Azerbaijan to seek a peaceful settlement to the conflict.[211]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Azerbaijan will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/AZIndex.aspx.
2 For relevant recommendations, see A/HRC/24/13, paras. 109.1 and 109.12.
3 See CAT/C/AZE/CO/4, para. 41, E/C.12/AZE/CO/3, para. 27 and CEDAW/C/AZE/CO/5, para. 44.
4 See CEDAW/C/AZE/CO/5, para. 23 (e). See also United Nations country team submission for the universal periodic review of Azerbaijan, p. 6.
5 See CMW/C/AZE/CO/2, para. 11.
6 See CCPR/C/AZE/CO/4, para. 4.
7 See United Nations country team submission, p. 1.
8 *OHCHR Report 2014*, p. 63.
9 Forthcoming *OHCHR Report 2017*.
10 For relevant recommendations, see A/HRC/24/13, paras. 109.13 and 109.17.
11 See A/HRC/34/52/Add.3, para. 23.
12 See CCPR/C/AZE/CO/4, para. 6.
13 See A/HRC/34/52/Add.3, para. 24.
14 Ibid., para. 25.

[15] See CAT/C/AZE/CO/4, para. 4 (a)–(d), CCPR/C/AZE/CO/4, para. 3 (b) and E/C.12/AZE/CO/3, para. 4 (c).
[16] See CCPR/C/AZE/CO/4, para. 3 (c)–(d). See also CERD/C/AZE/CO/7-9, para. 4 (b).
[17] See CMW/C/AZE/CO/2, para. 5 (a).
[18] For relevant recommendations, see A/HRC/24/13, paras. 109.55, 109.62–109.63, 109.141 and 110.3.
[19] See CERD/C/AZE/CO/7-9, paras. 21–22.
[20] Ibid., paras. 13–14.
[21] Ibid., paras. 5–6.
[22] See CCPR/C/AZE/CO/4, para. 8.
[23] Press briefing. See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22230&LangID=E.
[24] Press briefing. See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22232&LangID=E.
[25] See CRPD/C/AZE/CO/1, para. 13.
[26] For relevant recommendations, see A/HRC/24/13, paras. 109.37 and 109.46.
[27] See A/HRC/29/28/Add.1, para. 51.
[28] Ibid., para. 52.
[29] Ibid., para. 55.
[30] Ibid., para. 94 (c).
[31] Ibid., para. 66.
[32] Ibid., para. 94 (k).
[33] Ibid., para. 94 (r).
[34] For relevant recommendations, see A/HRC/24/13, paras. 109.70, 109.78, 109.92 and 109.95.
[35] See CAT/C/AZE/CO/4, para. 8. See also CAT/C/AZE/CO/4, paras. 18–20.
[36] Ibid., para. 8.
[37] Ibid., para. 38.
[38] See A/HRC/36/37/Add.1, para. 63.
[39] See CCPR/C/AZE/CO/4, para. 18.
[40] UNESCO submission for the universal periodic review of Azerbaijan, para. 11.
[41] See CAT/C/AZE/CO/4, para. 29.
[42] See CCPR/C/AZE/CO/4, para. 22. See also CAT/C/AZE/CO/4, para. 24 and CRPD/C/AZE/CO/1, para. 30.
[43] See A/HRC/36/37/Add.1, para. 21.
[44] See CAT/C/AZE/CO/4, para. 24. See also CCPR/C/AZE/CO/4, para. 18.
[45] See CAT/C/AZE/CO/4, para. 22. See also CCPR/C/AZE/CO/4, para. 18.
[46] See CAT/C/AZE/CO/4, para. 23. See also CCPR/C/AZE/CO/4, para. 19 (b) and CRPD/C/AZE/CO/1, para. 31.
[47] See CCPR/C/AZE/CO/4, para. 20.
[48] See CAT/C/AZE/CO/4, para. 12. See also A/HRC/36/37/Add.1, para. 52 and CCPR/C/AZE/CO/4, para. 24.
[49] See A/HRC/36/37/Add.1, para. 69. See also CCPR/C/AZE/CO/4, para. 24.
[50] See A/HRC/36/37/Add.1, para. 69.
[51] Ibid., para. 47.
[52] Ibid., para. 53.
[53] For relevant recommendations, see A/HRC/24/13, paras. 109.90, 109.96–109.99 and 110.1.
[54] See A/HRC/36/37/Add.1, para. 22.
[55] Ibid., para. 23.
[56] Ibid., para. 77.
[57] See CCPR/C/AZE/CO/4, para. 26. See also CAT/C/AZE/CO/4, para. 14 and A/HRC/36/37/Add.1, para. 76.
[58] See CAT/C/AZE/CO/4, para. 16.
[59] For relevant recommendations, see A/HRC/24/13, paras. 109.26, 109.29, 109.79, 109.102, 109.140 and 110.2.
[60] See CCPR/C/AZE/CO/4, para. 32.
[61] Ibid., para. 32.
[62] Ibid., para. 34.
[63] Ibid., para. 36. See also CCPR/C/118/D/2205/2012.
[64] See UNESCO submission, para. 16.
[65] See A/HRC/34/52/Add.3, para. 46. See also CCPR/C/AZE/CO/4, para. 36 (c), UNESCO submission, para. 18 and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20544&LangID=E.
[66] See A/HRC/34/52/Add.5, para. 28.
[67] See A/HRC/36/37/Add.1, para. 80. See also A/HRC/29/28/Add.1, para. 35.
[68] See CCPR/C/AZE/CO/4, paras. 18, 36 (a) and 40, CAT/C/AZE/CO/4, para. 10, CERD/C/AZE/CO/7-

9, para. 35 and CEDAW/C/AZE/CO/5, para. 16.
[69] See CAT/C/AZE/CO/4, para. 11.
[70] See CERD/C/AZE/CO/7-9, para. 36. See also CCPR/C/AZE/CO/4, para. 37 and CEDAW/C/AZE/CO/5, para. 17 (b).
[71] High Commissioner's public statement issued on 8 September 2015. See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16393&LangID=E.
[72] See UNESCO submission, para. 7.
[73] OHCHR news release, "UN experts urge Azerbaijan to end travel ban on award-winning investigative journalist Khadija Ismayilova". See also CCPR/C/AZE/CO/4, para. 30.
[74] See A/HRC/34/52/Add.3, para. 37. See also CCPR/C/AZE/CO/4, para. 36 (a).
[75] See A/HRC/36/37/Add.1, para. 80.
[76] See CCPR/C/AZE/CO/4, paras. 28–29. See also CAT/C/AZE/CO/4, paras. 16–17.
[77] United Nations country team submission, p. 7.
[78] See CCPR/C/AZE/CO/4, para. 40. See also E/C.12/AZE/CO/3, para. 25, CEDAW/C/AZE/CO/5, para. 16 and CAT/C/AZE/CO/4, para. 10.
[79] See CAT/C/AZE/CO/4, para. 10. See also E/C.12/AZE/CO/3, para. 25, CEDAW/C/AZE/CO/5, para. 16 and CCPR/C/AZE/CO/4, para. 40.
[80] See CCPR/C/AZE/CO/4, para. 41 (a)–(b). See also E/C.12/AZE/CO/3, para. 25.
[81] See CCPR/C/AZE/CO/4, para. 38.
[82] Ibid., para. 43.
[83] Ibid., paras. 30–31.
[84] For relevant recommendations, see A/HRC/24/13, paras. 109.84 and 109.87.
[85] See United Nations country team submission pp. 6–7. See also CEDAW/C/AZE/CO/5, paras. 5 (a) and (d) and 24, CMW/C/AZE/CO/2, paras. 5 (c)–(d) and 44, CERD/C/AZE/CO/7-9, para. 4 (d) and CAT/C/AZE/CO/4, para. 32.
[86] See United Nations country team submission, p. 7.
[87] Ibid. p. 8.
[88] See CMW/C/AZE/CO/2, para. 44.
[89] See CEDAW/C/AZE/CO/5, para. 24 (a).
[90] See E/C.12/AZE/CO/3, para. 20.
[91] Ibid., CMW/C/AZE/CO/2, para. 45 and CAT/C/AZE/CO/4, para. 33.
[92] See E/C.12/AZE/CO/3, para. 12. See also United Nations country team submission, p. 7.
[93] For relevant recommendations, see A/HRC/24/13, paras. 109.66 and 109.151.
[94] See E/C.12/AZE/CO/3, para. 11.
[95] See A/HRC/29/28/Add.1, para. 71.
[96] See E/C.12/AZE/CO/3, para. 10 and CEDAW/C/AZE/CO/5, para. 30. See also CCPR/C/AZE/CO/4, para. 14.
[97] See E/C.12/AZE/CO/3, para. 15.
[98] See A/HRC/29/28/Add.1, para. 78.
[99] Ibid., para. 79. See also E/C.12/AZE/CO/3, para. 15.
[100] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3143746.
[101] See United Nations country team submission, p. 7.
[102] For relevant recommendations, see A/HRC/24/13, paras. 109.37, 109.45, 109.47, 109.54 and 109.141.
[103] See E/C.12/AZE/CO/3, para. 23.
[104] Ibid., para. 14.
[105] See United Nations country team submission, p. 3.
[106] See E/C.12/AZE/CO/3, para. 22.
[107] For relevant recommendations, see A/HRC/24/13, paras. 109.42, 109.46 and 109.149.
[108] See CEDAW/C/AZE/CO/5, para. 32. See also CEDAW/C/AZE/CO/5, para. 5 (b) and A/HRC/23/41/Add.1, para. 15.
[109] See E/C.12/AZE/CO/3, para. 16.
[110] A/HRC/23/41/Add.1.
[111] Ibid., para. 11.
[112] Ibid., para. 27.
[113] See CEDAW/C/AZE/CO/5, para. 5 (b).
[114] Ibid., para. 32 and E/C.12/AZE/CO/3, para. 16.
[115] See United Nations country team submission, p. 5.
[116] For relevant recommendations, see A/HRC/24/13, paras. 109.144 and 109.148–109.149.
[117] See CEDAW/C/AZE/CO/5, para. 28.
[118] See UNESCO submission, para. 12.
[119] See CEDAW/C/AZE/CO/5, para. 28 (a)–(d). See also E/C.12/AZE/CO/3, para. 10.
[120] See A/HRC/26/38/Add.3, para. 42 and UNESCO submission, para. 12.
[121] See E/C.12/AZE/CO/3, para. 23. See also CMW/C/AZE/CO/2, para. 33 (a)–(b).

[122] See UNESCO submission, para. 13.
[123] Ibid., para. 14. See also CEDAW/C/AZE/CO/5, para. 13 (c).
[124] For relevant recommendations, see A/HRC/24/13, paras. 109.55, 109.67, 109.80, 109.83 and 109.100–109.101.
[125] See CEDAW/C/AZE/CO/5, paras. 20 and 21 (b) and A/HRC/26/38/Add.3, para. 40. See also CCPR/C/AZE/CO/4, paras. 14–15 and E/C.12/AZE/CO/3, para. 10.
[126] See United Nations country team submission, p. 5.
[127] Ibid., p. 5.
[128] See CEDAW/C/AZE/CO/5, paras. 26–27. See also CCPR/C/AZE/CO/4, paras. 14 and 15 (b).
[129] See A/HRC/26/38/Add.3, para. 4, CCPR/C/AZE/CO/4, para. 16, E/C.12/AZE/CO/3, para. 18 and CAT/C/AZE/CO/4, para. 30.
[130] See CEDAW/C/AZE/CO/5, para. 22 (a), E/C.12/AZE/CO/3, para. 18 and CCPR/C/AZE/CO/4, para. 16.
[131] CCPR/C/AZE/CO/4, para. 16.
[132] Ibid.
[133] See A/HRC/26/38/Add.3. See also CEDAW/C/AZE/CO/5, para. 9 (b), CCPR/C/AZE/CO/4, para. 17 (b) and CAT/C/AZE/CO/4, para. 31.
[134] See CAT/C/AZE/CO/4, para. 30.
[135] See CEDAW/C/AZE/CO/5, para. 22 (c)–(d), CCPR/C/AZE/CO/4, para. 16 and CAT/C/AZE/CO/4, para. 30.
[136] United Nations country team submission, p. 4.
[137] Ibid., p. 5.
[138] See A/HRC/26/38/Add.3, para. 15, CCPR/C/AZE/CO/4, paras. 14 and 15 (d), CEDAW/C/AZE/CO/5, paras. 38 and 39 (b) and E/C.12/AZE/CO/3, para. 19.
[139] For relevant recommendations, see A/HRC/24/13, paras. 109.25, 109.48, 109.50, 109.59, 109.82, 109.89, 109.96–109.97, 109.141, 109.152 and 109.154.
[140] See United Nations country team submission, p. 2.
[141] Ibid., p. 1.
[142] Ibid.
[143] See CEDAW/C/AZE/CO/5, paras. 24 (c) and 25 (c).
[144] See United Nations country team submission, p. 2.
[145] Ibid., p. 3. See also CAT/C/AZE/CO/4, para. 21.
[146] See A/HRC/36/37/Add.1, para. 70. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20022&LangID=E.
[147] See A/HRC/36/37/Add.1, para. 73.
[148] Ibid., para. 74.
[149] See CAT/C/AZE/CO/4, para. 21.
[150] See A/HRC/36/37/Add.1, para. 98 (f).
[151] See CRPD/C/AZE/CO/1, paras. 38–39.
[152] UNHCR submission for the universal periodic review of Azerbaijan, p. 2. See CERD/C/AZE/CO/7-9, paras. 31–32.
[153] See A/HRC/29/34/Add.1, para. 59.
[154] Ibid., para. 39.
[155] Ibid., para. 40.
[156] See United Nations country team submission, p. 3.
[157] See CRPD/C/AZE/CO/1, paras. 40–41 (a), CCPR/C/AZE/CO/4, para. 10 and E/C.12/AZE/CO/3, para. 17.
[158] See CRPD/C/AZE/CO/1, para. 38.
[159] Ibid., para. 32.
[160] For relevant recommendations, see A/HRC/24/13, paras. 109.150 and 109.155.
[161] See CRPD/C/AZE/CO/1, paras. 8–9. See also CCPR/C/AZE/CO/4, para. 10.
[162] See CRPD/C/AZE/CO/1, para. 20.
[163] Ibid., para. 22. See also CCPR/C/AZE/CO/4, para. 10.
[164] See CRPD/C/AZE/CO/1, para. 42. See also E/C.12/AZE/CO/3, para. 11.
[165] See CRPD/C/AZE/CO/1, para. 44.
[166] Ibid., para. 26.
[167] Ibid., para. 10.
[168] Ibid., para. 16.
[169] See CCPR/C/AZE/CO/4, paras. 10–11.
[170] See A/HRC/36/37/Add.1, para. 32.
[171] Ibid., para. 31. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20022&LangID=E.
[172] See A/HRC/36/37/Add.1, para. 42.

[173] See CRPD/C/AZE/CO/1, para. 28, CCPR/C/AZE/CO/4, para. 12 and CAT/C/AZE/CO/4, para. 26.
[174] See A/HRC/36/37/Add.1, paras. 36–38.
[175] Ibid., para. 40.
[176] Ibid., para. 44.
[177] See CAT/C/AZE/CO/4, para. 26. See also CCPR/C/AZE/CO/4, para. 12.
[178] For the relevant recommendations, see A/HRC/24/13, para. 109.141.
[179] See CERD/C/AZE/CO/7-9, para. 23.
[180] Ibid., para. 24.
[181] Ibid., para. 8.
[182] Ibid., paras. 25–26.
[183] See E/C.12/AZE/CO/3, para. 8.
[184] See CCPR/C/AZE/CO/4, para. 44.
[185] For relevant recommendations, see A/HRC/24/13, paras. 109.68–109.69, 109.141, 109.156 and 109.158.
[186] See CMW/C/AZE/CO/2, para. 20.
[187] Ibid., para. 23 (a).
[188] See CERD/C/AZE/CO/7-9, paras. 33–34. See also E/C.12/AZE/CO/3, para. 21.
[189] See A/HRC/29/34/Add.1, para. 31.
[190] Ibid., para. 36.
[191] Ibid., para. 23. See also E/C.12/AZE/CO/3, para. 9 and CEDAW/C/AZE/CO/5, para. 12.
[192] See A/HRC/29/34/Add.1, para. 44. See also E/C.12/AZE/CO/3, para. 9 and CEDAW/C/AZE/CO/5, para. 12.
[193] See A/HRC/29/34/Add.1, para. 45.
[194] Ibid., para. 48.
[195] Ibid., para. 49. See also CCPR/C/AZE/CO/4, para. 30.
[196] See A/HRC/29/34/Add.1, para. 51.
[197] Ibid., paras. 64–65.
[198] See CAT/C/AZE/CO/4, para. 34.
[199] UNHCR submission, p. 2.
[200] See CMW/C/AZE/CO/2, paras. 28–29 and CERD/C/AZE/CO/7-9, paras. 33–34.
[201] UNHCR submission, p. 1.
[202] Ibid., p. 2.
[203] Ibid., p. 3.
[204] Ibid.
[205] See A/HRC/36/37/Add.1, para. 29.
[206] Ibid., para. 30.
[207] See CERD/C/AZE/CO/7-9, paras. 31–32. See also E/C.12/AZE/CO/3, para. 9.
[208] See CERD/C/AZE/CO/7-9/Add.1, paras. 7–9.
[209] For the relevant recommendation, see A/HRC/24/13, para. 110.4.
[210] See CERD/C/AZE/CO/7-9, para. 3 and CMW/C/AZE/CO/2, para. 7.
[211] See CERD/C/AZE/CO/7-9, para. 3.